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11 UNITED STATES BANKRUPTCY COURT

12 DISTRICT OF NEVADA

13 In re ASSET RESOLUTION, LLC

14 Debtor.

CHAPTER 7

CASE NO. BK-S-09-32824-RCJ

Jointly Administered with Case Nos.:
 BK-S-09-32831-RCJ; BK-S-09-32839-RCJ;
 BK-S-09-32843-RCJ; BK-S-09-32844-RCJ;
 BK-S-09-32846-RCJ; BK-S-09-32849-RCJ;
 BK-S-09-32851-RCJ; BK-S-09-32853-RCJ;
 BK-S-09-32868-RCJ; BK-S-09-32873-RCJ;
 BK-S-09-32875-RCJ; BK-S-09-32878-RCJ;
 BK-S-09-32880-RCJ; BK-S-09-32882-RCJ;

18 Affects:

- ☒ All Debtors
- ☐ Asset Resolution, LLC, 09-32824
- ☐ Bundy 2.5 Million SPE, LLC, 09-32831
- ☐ Bundy Five Million SPE, LLC, 09-32839
- ☐ CFP Anchor B SPE, LLC, 09-32843
- ☐ CFP Cornman Toltec SPE, LLC, 09-32844
- ☐ CFP Gess SPE LLC, 09-32846
- ☐ CFP Gramercy SPE, LLC, 09-32849
- ☐ Fiesta Stoneridge, LLC, 09-32851
- ☐ Fox Hills SPE, LLC, 09-32853
- ☐ HFAH Monaco SPE LLC, 09-32868
- ☐ Huntsville SPE LLC, 09-32873
- ☐ Lake Helen Partners SPE LLC, 09-32875
- ☐ Ocean Atlantic SPE LLC, 09-32878
- ☐ Shamrock SPE LLC, 09-32880
- ☐ 10-90 SPE, LLC, 09-32882

MIDLAND PACIFIC BUILDING CORPORATION'S OPPOSITION TO DONNA CANGELOSI'S MOTION FOR NEW TRIAL UNDER FRBP 9023, FOR SUPPLEMENTAL FINDINGS AND CONCLUSIONS UNDER FRBP 7052 AND FOR STANDARD FRBP 8005 WITH RESPECT TO ORDER GRANTING MIDLAND PACIFIC BUILDING CORPORATION'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY

DATE: N/A
 TIME: N/A
 CTRM: Courtroom 7D

1 Midland Pacific Building Corporation (“Midland Pacific”) opposes Donna Cangelosi’s
 2 (“Cangelosi”) motion for a “new trial” on entry of this Court’s Order [Document No. 2125] giving
 3 Midland Pacific relief from the automatic stay so that Midland Pacific and Cangelosi can litigate their
 4 claims in the San Luis Obispo Superior Court.

5 Cangelosi’s Motion is really an attempt to litigate anew Cangelosi’s two ill-conceived
 6 Complaints (Adversary Proceedings 12-01145 and 12-01184), both of which the Court dismissed in
 7 Orders entered April 13, 2013 [Document No. 84, Case No. 12-01145, and 43, Case No. 01184],
 8 which *also* directed Cangelosi to the San Luis Obispo Superior Court. ***The time to seek a “new trial”***
 9 ***on the only Complaints Cangelosi ever filed in these proceedings has long ago expired.***

10 All of the arguments Cangelosi makes in her motion for “new trial,” already have been made
 11 and rejected by this Court, after every argument was fully briefed in more than 24 pleadings¹ filed by
 12 both parties.

13 In regard to two new procedural arguments, Cangelosi makes the unfounded assertion that the
 14 Court must issue findings of fact and conclusions of law on Midland Pacific’s Motion For Relief From
 15 The Automatic Stay, citing the Court to Federal Rule of Civil Procedure 52(a).² ***Cangelosi ignores***
 16 ***Federal Rule of Civil Procedure 52(a)(3), which specifically states that no findings of fact and***
 17 ***conclusions of law are required on motions:***

18 ***For a Motion. The Court is not required to state findings or***
 19 ***conclusions for rulings on a motion under Rule 12 or 56 or, unless***
 20 ***these rules provide otherwise, on any other motion. [Emphasis added.]***

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 22 ¹ Those pleadings include Midland Pacific Building Corporation’s Response And Opposition To
 23 Donna Cangelosi’ Supplement Attempting To Limit Midland Pacific Building Corporation’s Motion
 24 For Relief From The Automatic Stay [Document No. 2076] and Midland Pacific Building
 25 Corporation’s Response To Donna Cangelosi’ Reply To Midland Pacific Building Corporation’s In
 26 Opposition To Cangelosi’s Supplement Regarding Midland Pacific Building Corporation’s Motion
 27 For Relief From The Automatic Stay [Document No. 2100], which Responses refute the arguments
 28 made by Cangelosi in her motion for “new trial.”

² Cangelosi also cites the Court to *Weitzman v. Stein*, 897 F.2d 653 (2nd Cir. 1990), which does *not*
 support Cangelosi’s argument that findings of fact and conclusions of law are required when deciding
 a Motion For Relief From Automatic Stay. The *Weitzman* Case has nothing to do with bankruptcy or
 a Motion For Relief From Stay.

1 Equally unfounded is Cangelosi's argument that Motions For Relief From Automatic Stay
2 must have a hearing. It is routine practice throughout the United States for Bankruptcy Courts to take
3 Motions For Relief From Stay under submission and make decisions based on the pleadings before the
4 Court.

5 This Court should reject Cangelosi's attempt to overturn the Orders this Court has entered.

6 Midland Pacific already has lodged on July 17, 2013, in the Superior Court, this Court's Order
7 giving Midland Pacific relief from the automatic stay, so that the parties may proceed there.³
8

9 Dated: July 26, 2013

Respectfully submitted,

10 FENNEMORE CRAIG JONES VARGAS

11 and

12 MCKENNA LONG & ALDRIDGE LLP

13 By: /s/ Craig S. Dunlap

Craig S. Dunlap

14 Attorneys for **MIDLAND PACIFIC BUILDING**
15 **CORPORATION**
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26 ³ As this Court is aware from the pleadings filed by Midland Pacific, Cangelosi has filed a Motion To
27 Intervene in the San Luis Obispo Superior Court. The Court already has issued a Tentative Ruling,
28 granting Cangelosi's Motion To Intervene, but the Court was stayed from actually entering that Order
because the automatic stay was still in place.